

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

VASUDEVAN SOFTWARE, INC.,

No. C 11-06637 RS

No. C 11-06638 RS

Plaintiff,

v.

**ORDER**

MICROSTRATEGY INC.,

Defendant.

VASUDEVAN SOFTWARE, INC.,

Plaintiff,

v.

TIBCO SOFTWARE INC.,

Defendant.

The Court has received letters from both MicroStrategy and VSi's counsel regarding plaintiff's expert damages report and VSi's pending *Daubert* motion, as well as a letter from TIBCO's counsel requesting clarification of the construction of the claim term "disparate databases." In light of the denial of VSi's motion to amend its infringement contentions and the Court's comments at the hearing on July 25, 2013, no further action in the form of a motion to strike a portion of plaintiff's expert damages report is required at this time. This order confirms the prior rulings in this case that "Report Services" and "Mobile" are not accused products in VSi's

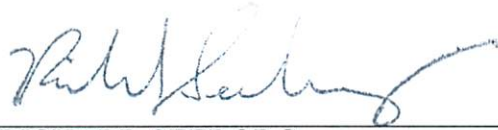
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ORDER

1 infringement contentions and that VSi is therefore precluded from seeking damages based on  
2 revenue from the sale of those products.

3 Given VSi's representation that its *Daubert* motion addresses issues other than claim  
4 construction, briefing on it should continue. The motion will be submitted without oral argument  
5 pursuant to Civil Local Rule 7-1(b) unless otherwise ordered by the Court. No further briefing  
6 should be submitted on the claim construction clarification requested by the parties. That issue will  
7 be addressed in subsequent orders by the Court based on the ample briefing already provided.

8 IT IS SO ORDERED.

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10 Dated: 8/2/13



11 RICHARD SEEBORG  
12 UNITED STATES DISTRICT JUDGE  
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